

COPY

Page 1 of 4

Case PF-0025 US

DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

A NOVEL CHEMOKINE EXPRESSED IN INFLAMED ADENOID, ITS PRODUCTION AND USES

the specification of which

/ is attached hereto.

/X/ was filed on December 7, 1994 as application Serial No. 08/352,324
and if this box contains an X /, was amended on _____
/ was filed as Patent Cooperation Treaty international application No. _____ on
, 19____, if this box contains an X /, was amended on under Patent Cooperation
Treaty Article 19 on _____, 19____, and if this box contains an X /, was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

<u>Country</u>	<u>Number</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
			// Yes /_ No
			// Yes // No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and of any Patent Cooperation Treaty international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application Serial No. Filed Status (Pending, Abandoned, Patented)

I hereby appoint the following:

BARBARA J. LUTHER

Registration No.: 33,954

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

BARBARA J. LUTHER, ESQ.
INCYTE PHARMACEUTICALS, INC.
3330 HILLVIEW AVENUE, PALO ALTO, CA 94304

TEL. : 415-855-0555 FAX: 415-855-0572

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

***IMPORTANT:** *Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.*

**Sole inventor or
first joint inventor:**

Full name:

KARL J. GUEGLER

Signature:



Date:

December 7, 1994

Citizenship:

United States of America

Residence:

Menlo Park, California

P.O. Address:

1048 Oakland Avenue
Menlo Park, CA 94025

Second joint inventor:

Full name:

PHILLIP R. HAWKINS

Signature:



Date:

December 7, 1994

Citizenship:

United States of America

Residence:

Mountain View, California

P.O. Address:

750 N. Shoreline Blvd., #96
Mountain View, CA 94043

Third joint inventor:Full name: **CRAIG G. WILDE**Signature: Craig G. WildeDate: December 8, 1994

Citizenship: United States of America

Residence: Sunnyvale, California

P.O. Address: 1239 Mandarin Drive
Sunnyvale, CA 94087**Fourth joint inventor:**Full name: **JEFFREY J. SEILHAMER**Signature: Jeffrey J. SeilhamerDate: December 7, 1994

Citizenship: United States of America

Residence: Los Altos Hills, California

P.O. Address: 12555 La Cresta Drive
Los Altos Hills, CA 94022

Certificate of Mailing

"Express Mail" mailing label number EV 310 863 635 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 28, 2003.

By: Nancy Ramos

Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Guegler et al.

Title: **CHEMOKINE EXPRESSED IN INFLAMED ADENOID**

Serial No.: **To Be Assigned** Filing Date: **Herewith**

Examiner: **To Be Assigned** Group Art Unit: **To Be Assigned**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. §3.73(b),
REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEYS**

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified below.

Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 7431, Frame 0384, hereby revokes all previous powers of attorney and appoints those practitioners under Customer No. 27904 as attorneys/agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please direct all correspondence to the following address:

Customer No.: 27904
Legal Department
Incyte Corporation
3160 Porter Drive
Palo Alto, California 94304

and direct all telephone calls and facsimile transmissions to: Legal Department, Incyte Corporation;
Phone: (650) 855-0555, Fax: (650) 845-4166.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE CORPORATION

Date: October 28, 2003

By: Lee Bendekgey
Lee Bendekgey
VP, General Counsel/Corporate Secretary

Certificate of Mailing

"Express Mail" mailing label number EV 310 863 635 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 28, 2003.

By: Nancy Ramos

Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Guegler et al.

Title: **CHEMOKINE EXPRESSED IN INFLAMED ADENOID**

Serial No.: To Be Assigned

Filing Date:

Herewith

Examiner: To Be Assigned

Group Art Unit:

To Be Assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

I hereby appoint the following patent attorneys/agents, whose post office address is 3160 Porter Drive, Palo Alto, California 94304, as associate attorneys/agents in the above-entitled application, to prosecute this application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:

Terence P. Lo

Limited Recognition (37 C.F.R. 10.9 (b)) attached

Please continue to address all future communications to:

Legal Department
Incyte Corporation
3160 Porter Drive
Palo Alto, California 94304

Respectfully submitted,

INCYTE CORPORATION

Richard C. Ekstrom

Richard C. Ekstrom
Reg. No. 37,027
Direct Dial Telephone: (650) 843-7352

Date: October 28, 2003

Customer No.: 27904
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166

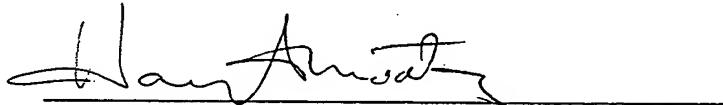
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATE PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

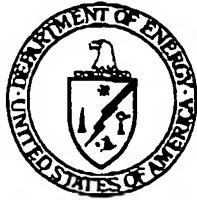
Terence P. Lo is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Incyte Genomics Inc. to prepare and prosecute patent applications wherein Incyte Genomics Inc. is the assignee of all right, title and interest in the invention claimed in the application. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Terence P. Lo ceases to lawfully reside in the United States, (ii) Terence P. Lo's employment with Incyte Genomics Inc. ceases or is terminated, or (iii) Terence P. Lo ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 25, 2003



Harry I. Moatz
Director of Enrollment and Discipline



Department of Energy
Washington, DC 20585

MAR 3 2003

Mr. Michael Carone
Office of Licensing and Review
U.S. Patent and Trademark Office
Technology Group 3600
Crystal Park 5
Arlington, Virginia

Re: Blanket Exemption from Requirements Under §42 U.S.C. 2182 for Incyte Genomics, Inc.

Dear Mr. Carone:

The U.S. Department of Energy (DOE) wished to grant Incyte Genomics, Inc. (Incyte) a blanket exemption from the requirements under §42 U.S.C. 2182 for their patent applications disclosing inventions involving radionuclides. This blanket exemption is granted based on assertions set forth in Incyte's letter to DOE dated February 25, 2003. No blanket exemption is granted from the requirements of any other statute, including the security review statute, §42 U.S.C. 2181.

This blanket exemption will be effective from the date of this letter for one (1) calendar year (the "Blanket Exemption Period"), and covers all Incyte patent applications now pending before the U.S. Patent and Trademark Office and will cover all Incyte patent applications filed within the Blanket Exemption Period. Therefore, the Blanket Exemption Period ends on February 26, 2004. For the Blanket Exemption Period, Incyte will include a copy of this letter with all applicable applications. This blanket exemption may be renewed for successive one (1) year periods upon Incyte's request, subject to DOE approval. DOE will notify your office in writing of such renewals, if granted.

Sincerely,

Paul A. Gottlieb
Assistant General Counsel
for Technology Transfer
and Intellectual Property
(202) 586-2802

